

**SENATE BILL**

**No. 132**

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**Introduced by Committee on Education (Senators Scott (Chair),  
Alquist, Denham, Maldonado, Padilla, Romero, Simitian,  
Torlakson, and Wyland)**

January 24, 2007

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An act to amend Sections ~~52379 and 60640~~ of 1240, 1242.5, 17608, 18830, 35035, 44258.9, 44269, 44270, 44300, 44302, 44386, 44506, 44868, 44869, 47605.1, 49452.8, 52055.625, 52379, 56351.5, 60242, 60640, and 99237 of, and to repeal Article 5.6 (commencing with Section 44305) of Chapter 2 of Part 25 of Division 3 of Title 2 of, the Education Code, relating to education.

LEGISLATIVE COUNSEL'S DIGEST

SB 132, as amended, Committee on Education. Education.

*(1) Existing law establishes the Pre-Internship Teaching Program and assigns the Commission on Teacher Credentialing responsibility for its implementation. The program authorizes the commission to issue preintern teaching credentials instead of emergency multiple subject permits to individuals employed by school districts approved by the commission.*

*This bill would repeal that program.*

*(2) Existing law requires specified pupils enrolled in kindergarten or first grade in public schools to present proof of having received an oral health assessment by a specified date of the school year. Statutory provisions impose certain duties on local educational agencies regarding the presentation of proof and collection of data for those oral health assessments.*

*This bill would require that funds appropriated in the annual Budget Act for the activities required by those provisions first be used to offset reimbursement provided to local educational agencies for state-mandated costs imposed by those provisions.*

~~Existing law establishes the Supplemental School Counseling Program and requires that funds appropriated in the annual Budget Act for the purposes of the program be allocated to school districts based on an equal amount per unit of average daily attendance in grades 7 to 12, inclusive.~~

~~The Leroy Greene California Assessment of Academic Achievement Act, commencing July 1, 2007, requires each school district, charter school, and county office of education to administer to each of its pupils in grades 3 to 11, inclusive, certain achievement tests, including a standards-based achievement test pursuant to the Standardized Testing and Reporting (STAR) Program.~~

~~This~~

*(3) The bill also would make technical, nonsubstantive, clarifying, and conforming changes to these various other statutory provisions.*

Vote: majority. Appropriation: no. Fiscal committee: ~~yes-no~~. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 1240 of the Education Code is amended  
2     to read:

3     1240. The county superintendent of schools shall do all of the  
4     following:

5     (a) Superintend the schools of his or her county.

6     (b) Maintain responsibility for the fiscal oversight of each school  
7     district in his or her county pursuant to the authority granted by  
8     this code.

9     (c) (1) Visit and examine each school in his or her county at  
10    reasonable intervals to observe its operation and to learn of its  
11    problems. He or she ~~may~~ annually *may* present a report of the state  
12    of the schools in his or her county, and of his or her office,  
13    including, but not limited to, his or her observations while visiting  
14    the schools, to the board of education and the board of supervisors  
15    of his or her county.

16    (2) (A) For fiscal years 2004–05 to 2006–07, inclusive, to the  
17    extent that funds are appropriated for purposes of this paragraph,

1 the county superintendent, or his or her designee, shall annually  
 2 submit a report, at a regularly scheduled November board meeting,  
 3 to the governing board of each school district under his or her  
 4 jurisdiction, the county board of education of his or her county,  
 5 and the board of supervisors of his or her county describing the  
 6 state of the schools in the county or of his or her office that are  
 7 ranked in deciles 1 to 3, inclusive, of the 2003 base Academic  
 8 Performance Index (API), as defined in subdivision (b) of Section  
 9 17592.70, and shall include, among other things, his or her  
 10 observations while visiting the schools and his or her  
 11 determinations for each school regarding the status of all of the  
 12 circumstances listed in subparagraph (I) and teacher  
 13 misassignments and teacher vacancies. As a condition for receipt  
 14 of funds, the county superintendent, or his or her designee, shall  
 15 use a standardized template to report the circumstances listed in  
 16 subparagraph (I) and teacher misassignments and teacher vacancies,  
 17 unless the current annual report being used by the county  
 18 superintendent, or his or her designee, already includes those details  
 19 for each school.

20 (B) Commencing with the 2007–08 fiscal year, to the extent  
 21 that funds are appropriated for purposes of this paragraph, the  
 22 county superintendent, or his or her designee, ~~shall~~ annually *shall*  
 23 submit a report, at a regularly scheduled November board meeting,  
 24 to the governing board of each school district under his or her  
 25 jurisdiction, the county board of education of his or her county,  
 26 and the board of supervisors of his or her county describing the  
 27 state of the schools in the county or of his or her office that are  
 28 ranked in deciles 1 to 3, inclusive, of the 2006 base API, pursuant  
 29 to Section 52056. As a condition for the receipt of funds, the annual  
 30 report shall include the determinations for each school made by  
 31 the county superintendent, or his or her designee, regarding the  
 32 status of all of the circumstances listed in subparagraph (I) and  
 33 teacher misassignments and teacher vacancies, and the county  
 34 superintendent, or his or her designee, shall use a standardized  
 35 template to report the circumstances listed in subparagraph (I) and  
 36 teacher misassignments and teacher vacancies, unless the current  
 37 annual report being used by the county superintendent, or his or  
 38 her designee, already includes those details with the same level of  
 39 specificity that is otherwise required by this subdivision. For  
 40 purposes of this section, schools ranked in deciles 1 to 3, inclusive,

1 on the 2006 base API shall include ~~any~~ schools determined by the  
2 department to meet either of the following:

3 (i) The school meets all of the following criteria:

4 (I) Does not have a valid base API score for 2006.

5 (II) Is operating in fiscal year 2007–08 and was operating in  
6 fiscal year 2006–07 during the Standardized Testing and Reporting  
7 (STAR) Program testing period.

8 (III) Has a valid base API score for 2005 that was ranked in  
9 deciles 1 to 3, inclusive, in that year.

10 (ii) The school has an estimated base API score for 2006 that  
11 would be in deciles 1 to 3, inclusive.

12 (C) The department shall estimate an API score for ~~any~~ a school  
13 meeting the criteria of subclauses (I) and (II) of clause (i) of  
14 subparagraph (B) ~~of paragraph (2)~~ and not meeting the criteria of  
15 subclause (III) of clause (i) of subparagraph (B) ~~of paragraph (2)~~,  
16 using available testing scores and ~~any~~ weighting or corrective  
17 factors it deems appropriate. The department shall post the API  
18 scores on its Internet Web site on or before May 1.

19 (D) For purposes of this section, references to schools ranked  
20 in deciles 1 to 3, inclusive, on the 2006 base API shall exclude  
21 ~~any~~ schools operated by county offices of education pursuant to  
22 Section 56140, as determined by the department.

23 (E) (i) Commencing with the 2010–11 fiscal year and every  
24 third year thereafter, the Superintendent shall identify a list of  
25 schools ranked in deciles 1 to 3, inclusive, of the API for which  
26 the county superintendent, or his or her designee, ~~shall~~ annually  
27 *shall* submit a report, at a regularly scheduled November board  
28 meeting, to the governing board of each school district under his  
29 or her jurisdiction, the county board of education of his or her  
30 county, and the board of supervisors of his or her county that  
31 describes the state of the schools in the county or of his or her  
32 office that are ranked in deciles 1 to 3, inclusive, of the base API  
33 as defined in clause (ii).

34 (ii) For the 2010–11 fiscal year, the list of schools ranked in  
35 deciles 1 to 3, inclusive, of the base API shall be updated using  
36 the criteria set forth in clauses (i) and (ii) of subparagraph (B),  
37 subparagraph (C), and subparagraph (D), as applied to the 2009  
38 base API and thereafter shall be updated every third year using  
39 the criteria set forth in clauses (i) and (ii) of subparagraph (B),

1 subparagraph (C), and subparagraph (D), as applied to the base  
2 API of the year preceding the third year consistent with clause (i).

3 (iii) As a condition for the receipt of funds, the annual report  
4 shall include the determinations for each school made by the county  
5 superintendent, or his or her designee, regarding the status of all  
6 of the circumstances listed in subparagraph (I) and teacher  
7 misassignments and teacher vacancies, and the county  
8 superintendent, or his or her designee, shall use a standardized  
9 template to report the circumstances listed in subparagraph (I) and  
10 teacher misassignments and teacher vacancies, unless the current  
11 annual report being used by the county superintendent, or his or  
12 her designee, already includes those details with the same level of  
13 specificity that is otherwise required by this subdivision.

14 (F) The county superintendent of the Counties of Alpine,  
15 Amador, Del Norte, Mariposa, Plumas, Sierra, and the City and  
16 County of San Francisco shall contract with another county office  
17 of education or an independent auditor to conduct the required  
18 visits and make all reports required by this paragraph.

19 (G) On a quarterly basis, the county superintendent, or his or  
20 her designee, shall report the results of the visits and reviews  
21 conducted that quarter to the governing board of the school district  
22 at a regularly scheduled meeting held in accordance with public  
23 notification requirements. The results of the visits and reviews  
24 shall include the determinations of the county superintendent, or  
25 his or her designee, for each school regarding the status of all of  
26 the circumstances listed in subparagraph (I) and teacher  
27 misassignments and teacher vacancies. If the county  
28 superintendent, or his or her designee, conducts no visits or reviews  
29 in a quarter, the quarterly report shall report that fact.

30 (H) The visits made pursuant to this paragraph shall be  
31 conducted at least annually and shall meet the following criteria:

32 (i) Minimize disruption to the operation of the school.

33 (ii) Be performed by individuals who meet the requirements of  
34 Section 45125.1.

35 (iii) Consist of not less than 25 percent unannounced visits in  
36 each county. During unannounced visits in each county, the county  
37 superintendent shall not demand access to documents or specific  
38 school personnel. Unannounced visits shall only be used to observe  
39 the condition of school repair and maintenance, and the sufficiency  
40 of instructional materials, as defined by Section 60119.

1 (I) The priority objective of the visits made pursuant to this  
2 paragraph shall be to determine the status of all of the following  
3 circumstances:

4 (i) Sufficient textbooks as defined in Section 60119 and as  
5 specified in subdivision (i).

6 (ii) The condition of a facility that poses an emergency or urgent  
7 threat to the health or safety of pupils or staff as defined in district  
8 policy or paragraph (1) of subdivision (c) of Section 17592.72.

9 (iii) The accuracy of data reported on the school accountability  
10 report card with respect to the availability of sufficient textbooks  
11 and instructional materials, as defined by Section 60119, and the  
12 safety, cleanliness, and adequacy of school facilities, including  
13 good repair as required by Sections 17014, 17032.5, 17070.75,  
14 and 17089.

15 (J) The county superintendent may make the status  
16 determinations described in subparagraph (I) during a single visit  
17 or multiple visits. In determining whether to make a single visit  
18 or multiple visits for this purpose, the county superintendent shall  
19 take into consideration factors such as cost-effectiveness, disruption  
20 to the schoolsite, deadlines, and the availability of qualified  
21 reviewers.

22 (K) If the county superintendent determines that the condition  
23 of a facility poses an emergency or urgent threat to the health or  
24 safety of pupils or staff as defined in district policy or paragraph  
25 (1) of subdivision (c) of Section 17592.72, or is not in good repair,  
26 as specified in subdivision (d) of Section 17002 and required by  
27 Sections 17014, 17032.5, 17070.75, and 17089, the county  
28 superintendent ~~may~~, among other things, *may* do any of the  
29 following:

30 (i) Return to the school to verify repairs.

31 (ii) Prepare a report that specifically identifies and documents  
32 the areas or instances of noncompliance if the district has not  
33 provided evidence of successful repairs within 30 days of the  
34 ~~county superintendent's visit of the county superintendent~~ or, for  
35 major projects, has not provided evidence that the repairs will be  
36 conducted in a timely manner. The report may be provided to the  
37 governing board of the school district. If the report is provided to  
38 the school district, it shall be presented at a regularly scheduled  
39 meeting held in accordance with public notification requirements.

40 The county superintendent shall post the report on its Internet Web

1 site. The report shall be removed from the Internet Web site when  
2 the county superintendent verifies the repairs have been completed.

3 (d) Distribute all laws, reports, circulars, instructions, and blanks  
4 that he or she may receive for the use of the school officers.

5 (e) Annually, on or before August 15, present a report to the  
6 governing board of the school district and the Superintendent  
7 regarding the fiscal solvency of ~~any~~ a school district with a  
8 disapproved budget, qualified interim certification, or a negative  
9 interim certification, or that is determined ~~at any time~~ to be in a  
10 position of fiscal uncertainty pursuant to Section 42127.6.

11 (f) Keep in his or her office the reports of the Superintendent.

12 (g) Keep a record of his or her official acts, and of all the  
13 proceedings of the county board of education, including a record  
14 of the standing, in each study, of all applicants for certificates who  
15 have been examined, which shall be open to the inspection of ~~any~~  
16 an applicant or his or her authorized agent.

17 (h) Enforce the course of study.

18 (i) (1) Enforce the use of state textbooks and instructional  
19 materials and of high school textbooks and instructional materials  
20 regularly adopted by the proper authority in accordance with  
21 Section 51050.

22 (2) For purposes of this subdivision, sufficient textbooks or  
23 instructional materials has the same meaning as in subdivision (c)  
24 of Section 60119.

25 (3) (A) Commencing with the 2005–06 school year, if a school  
26 is ranked in any of deciles 1 to 3, inclusive, of the ~~2003~~ base API,  
27 as ~~defined in subdivision (b) of Section 17592.70~~ specified in  
28 paragraph (2) of subdivision (c), and not currently under review  
29 pursuant to a state or federal intervention program, the county  
30 superintendent ~~shall~~ specifically *shall* review that school at least  
31 annually as a priority school. A review conducted for purposes of  
32 this paragraph shall be completed by the fourth week of the school  
33 year. For the 2004–05 fiscal year only, the county superintendent  
34 shall make a diligent effort to conduct a visit to each school  
35 pursuant to this paragraph within 120 days of receipt of funds for  
36 this purpose.

37 (B) In order to facilitate the review of instructional materials  
38 before the fourth week of the school year, the county superintendent  
39 of schools in a county with 200 or more schools that are ranked  
40 in any of deciles 1 to 3, inclusive, of the ~~2003~~ base API, as ~~defined~~

1 ~~in subdivision (b) of Section 17592.70 specified in paragraph (2)~~  
2 ~~of subdivision (c)~~, may utilize a combination of visits and written  
3 surveys of teachers for the purpose of determining sufficiency of  
4 textbooks and instructional materials in accordance with  
5 subparagraph (A) of paragraph (1) of subdivision (a) of Section  
6 60119 and as defined in subdivision (c) of Section 60119. If a  
7 county superintendent of schools elects to conduct written surveys  
8 of teachers, the county superintendent of schools shall visit the  
9 schools surveyed within the same academic year to verify the  
10 accuracy of the information reported on the surveys. If a county  
11 superintendent surveys teachers at a school in which the county  
12 superintendent has found sufficient textbooks and instructional  
13 materials for the previous two consecutive years and determines  
14 that the school does not have sufficient textbooks or instructional  
15 materials, the county superintendent shall within 10 business days  
16 provide a copy of the insufficiency report to the school district as  
17 set forth in paragraph (4).

18 (C) For purposes of this paragraph, “written surveys” may  
19 include paper and electronic or online surveys.

20 (4) If the county superintendent determines that a school does  
21 not have sufficient textbooks or instructional materials in  
22 accordance with subparagraph (A) of paragraph (1) of subdivision  
23 (a) of Section 60119 and as defined by subdivision (c) of Section  
24 60119, the county superintendent shall do all of the following:

25 (A) Prepare a report that specifically identifies and documents  
26 the areas or instances of noncompliance.

27 (B) Provide within five business days of the review, a copy of  
28 the report to the school district, as provided in subdivision (c), or,  
29 if applicable, provide a copy of the report to the school district  
30 within 10 business days pursuant to subparagraph (B) of paragraph  
31 (3).

32 (C) Provide the school district with the opportunity to remedy  
33 the deficiency. The county superintendent shall ensure remediation  
34 of the deficiency no later than the second month of the school term.

35 (D) If the deficiency is not remedied as required pursuant to  
36 subparagraph (C), the county superintendent shall request the  
37 department to purchase the textbooks or instructional materials  
38 necessary to comply with the sufficiency requirement of this  
39 subdivision. If the department purchases textbooks or instructional  
40 materials for the school district, the department shall issue a public



statement at the first regularly scheduled meeting of the ~~state board~~  
*State Board* occurring immediately after the department receives  
the ~~county superintendent's~~ request *of the county superintendent*  
and that meets the applicable public notice requirements, indicating  
that the district superintendent and the governing board of the  
school district failed to provide pupils with sufficient textbooks  
or instructional materials as required by this subdivision. Before  
purchasing the textbooks or instructional materials, the department  
shall consult with the district to determine which textbooks or  
instructional materials to purchase. All purchases of textbooks or  
instructional materials shall comply with Chapter 3.25  
(commencing with Section 60420) of Part 33. The amount of funds  
necessary for the purchase the textbooks and materials is a loan  
to the school district receiving the textbooks or instructional  
materials. Unless the school district repays the amount owed based  
upon an agreed-upon repayment schedule with the Superintendent,  
the Superintendent shall notify the Controller and the Controller  
shall deduct an amount equal to the total amount used to purchase  
the textbooks and materials from the next principal apportionment  
of the district or from another apportionment of state funds.

(j) Preserve carefully all reports of school officers and teachers.

(k) Deliver to his or her successor, at the close of his or her  
official term, all records, books, documents, and papers belonging  
to the office, taking a receipt for them, which shall be filed with  
the department.

(l) (1) Submit two reports during the fiscal year to the county  
board of education in accordance with the following:

(A) The first report shall cover the financial and budgetary status  
of the county office of education for the period ending October  
31. The second report shall cover the period ending January 31.  
Both reports shall be reviewed by the county board of education  
and approved by the county superintendent of schools no later than  
45 days after the close of the period being reported.

(B) As part of each report, the county superintendent shall certify  
in writing whether or not the county office of education is able to  
meet its financial obligations for the remainder of the fiscal year  
and, based on current forecasts, for two subsequent fiscal years.  
The certifications shall be classified as positive, qualified, or  
negative, pursuant to standards prescribed by the Superintendent,  
for the purposes of determining subsequent state agency actions

1 pursuant to Section 1240.1. For purposes of this subdivision, a  
2 negative certification shall be assigned to ~~any~~ a county office of  
3 education that, based upon current projections, will not meet its  
4 financial obligations for the remainder of the fiscal year or for the  
5 subsequent fiscal year. A qualified certification shall be assigned  
6 to ~~any~~ a county office of education that may not meet its financial  
7 obligations for the current fiscal year or two subsequent fiscal  
8 years. A positive certification shall be assigned to ~~any~~ a county  
9 office of education that will meet its financial obligations for the  
10 current fiscal year and subsequent two fiscal years. In accordance  
11 with those standards, the Superintendent may reclassify ~~any~~ a  
12 certification. If a county office of education receives a negative  
13 certification, the Superintendent, or his or her designee, may  
14 exercise the authority set forth in subdivision (c) of Section 1630.  
15 Copies of each certification, and of the report containing that  
16 certification, shall be sent to the Superintendent at the time the  
17 certification is submitted to the county board of education. Copies  
18 of each qualified or negative certification and the report containing  
19 that certification shall be sent to the Controller at the time the  
20 certification is submitted to the county board of education.

21 (2) All reports and certifications required under this subdivision  
22 shall be in a format or on forms prescribed by the Superintendent,  
23 and shall be based on standards and criteria for fiscal stability  
24 adopted by the State Board of Education pursuant to Section 33127.  
25 The reports and supporting data shall be made available by the  
26 county superintendent of schools to ~~any~~ an interested party upon  
27 request.

28 (3) This subdivision does not preclude the submission of  
29 additional budgetary or financial reports by the county  
30 superintendent to the county board of education or to the  
31 Superintendent.

32 (4) The county superintendent of schools is not responsible for  
33 the fiscal oversight of the community colleges in the county,  
34 however, he or she may perform financial services on behalf of  
35 those community colleges.

36 (m) If requested, act as agent for the purchase of supplies for  
37 the city and high school districts of his or her county.

38 (n) For purposes of Section 44421.5, report to the Commission  
39 on Teacher Credentialing the identity of ~~any~~ a certificated person  
40 who knowingly and willingly reports false fiscal expenditure data

1 relative to the conduct of ~~any~~ *an* educational program. This  
2 requirement applies only if, in the course of his or her normal  
3 duties, the county superintendent of schools discovers information  
4 that gives him or her reasonable cause to believe that false fiscal  
5 expenditure data relative to the conduct of ~~any~~ *an* educational  
6 program has been reported.

7 *SEC. 2. Section 1242.5 of the Education Code is amended to*  
8 *read:*

9 1242.5. On or before March 31, 2007, the department shall  
10 review the actual costs of 2005–06 fiscal year site visits conducted  
11 pursuant to Section 1240. If the department determines that a  
12 county office of education did not expend the funds allocated for  
13 this purpose during the ~~2006–07~~ 2005–06 fiscal year, the amount  
14 that exceeds the amount spent shall revert to the extraordinary cost  
15 pool created by Chapter 710 of the Statutes of 2005 and shall be  
16 available to cover the extraordinary costs incurred by county offices  
17 of education as a result of the reviews conducted pursuant to  
18 Section 1240. Based on a determination by the department and the  
19 Department of Finance that is was necessary for a county office  
20 of education to incur extraordinary costs to conduct the site visits,  
21 funds in the amount necessary to cover these costs shall be  
22 allocated to the county office of education by June 30, 2007.

23 *SEC. 3 Section 17608 of the Education Code is amended to*  
24 *read:*

25 17608. This article, ~~and~~ Article 17 (commencing with Section  
26 13180) of Chapter 2 of Division 7 of the Food and Agricultural  
27 Code, ~~and Article 2 (commencing with Section 105500) of Chapter~~  
28 ~~76 of Division 103 of the Health and Safety Code~~, shall be known  
29 and cited as the Healthy Schools Act of 2000.

30 *SEC. 4. Section 18830 of the Education Code is amended to*  
31 *read:*

32 18830. (a) Libraries in public library jurisdictions that are  
33 members of a regional library network and libraries in institutions  
34 that are members of a regional library network are eligible to  
35 receive services under this chapter and to become participating  
36 libraries. The board of governance or the appropriate administrative  
37 authority for each academic library, public library, school library,  
38 and special library that decides to join a regional library network  
39 shall take official action to approve network membership. That  
40 local governing agency or appropriate administrative authority

1 shall agree not to reduce funding for library services as a result of  
2 network participation. Each public library jurisdiction, school  
3 district, university or college, and institution or corporation, or  
4 agency or branch thereof, may become a member of a regional  
5 library network. A public library jurisdiction not a member of the  
6 California Library Service Act public library system on the  
7 effective date of this section, and an institution, shall have at least  
8 one library that agrees to be a participating library and meets the  
9 following eligibility standards:

10 (1) A written explicit mission statement and service objectives.

11 (2) A fixed location in California.

12 (3) Established hours of service.

13 (4) An organized collection of information and materials  
14 accessible for use by its primary clientele.

15 (5) Designated, onsite, paid staff for library services. At least  
16 one staff person shall have a master's degree in library or  
17 information science or a California library media teacher *or teacher*  
18 *librarian* credential issued by the Commission on Teacher  
19 Credentialing, but equivalent graduate education or demonstrated  
20 professional experience may be substituted for this requirement.  
21 The eligibility determination will be made by the regional library  
22 network.

23 (6) An established funding base.

24 (b) Participating libraries must agree to all of the following:

25 (1) To share resources and services with other members of the  
26 regional library network.

27 (2) To provide resources and services for other members of the  
28 regional library network.

29 (3) To meet the minimum resource-sharing performance  
30 standards of the regional library network.

31 (c) Participating libraries may not obtain services provided under  
32 this act on behalf of nonparticipating libraries. No membership  
33 fees or service fees may be assessed for access to services delivered  
34 by state funds under this chapter. Regional library networks may  
35 provide their members with increased or enhanced services for a  
36 fee, at the option of each member.

37 (d) Library jurisdictions that are members of the California  
38 Library Services Act public library systems on the effective date  
39 of this section are deemed to meet the eligibility standards in

1 subdivision (a), and shall not be required to certify that they meet  
2 these eligibility standards.

3 *SEC. 5. Section 35035 of the Education Code is amended to*  
4 *read:*

5 35035. The superintendent of ~~each~~ a school district shall, in  
6 addition to ~~any~~ other powers and duties granted to or imposed  
7 upon him or her:

8 (a) Be the chief executive officer of the governing board of the  
9 district.

10 (b) Except in a district where the governing board has appointed  
11 or designated an employee other than the superintendent, or a  
12 deputy, or assistant superintendent, to prepare and submit a budget,  
13 prepare and submit to the governing board of the district, at the  
14 time it may direct, the budget of the district for the next ensuing  
15 school year, and revise and take other action in connection with  
16 the budget as the board may desire.

17 (c) Subject to the approval of the governing board, assign all  
18 employees of the district employed in positions requiring  
19 certification qualifications, to the positions in which they are to  
20 serve. This power to assign includes the power to transfer a teacher  
21 from one school to another school at which the teacher is  
22 certificated to serve within the district when the superintendent  
23 concludes that the transfer is in the best interest of the district.

24 (d) Upon adoption, by the district board, of a district policy  
25 concerning transfers of teachers from one school to another school  
26 within the district, have authority to transfer teachers consistent  
27 with that policy.

28 (e) Determine that each employee of the district in a position  
29 requiring certification qualifications has a valid certificated  
30 document registered as required by law authorizing him or her to  
31 serve in the position to which he or she is assigned.

32 (f) Enter into contracts for and on behalf of the district pursuant  
33 to ~~Section 39656~~ 17604.

34 (g) Submit financial and budgetary reports to the governing  
35 board as required by Section 42130.

36 *SEC. 6. Section 44258.9 of the Education Code is amended to*  
37 *read:*

38 44258.9. (a) The Legislature finds that continued monitoring  
39 of teacher assignments by county superintendents of schools will  
40 ensure that the rate of teacher misassignment remains low. To the

1 extent possible and with funds provided for that purpose, each  
2 county superintendent of schools shall perform the duties specified  
3 in subdivisions (b) and (c).

4 (b) (1) Each county superintendent of schools shall monitor  
5 and review school district certificated employee assignment  
6 practices in accordance with the following:

7 (A) Annually monitor and review schools and school districts  
8 that are likely to have problems with teacher misassignments and  
9 teacher vacancies, as defined in subparagraphs (A) and (B) of  
10 paragraph (5) of subdivision (b) of Section 33126, based on past  
11 experience or other available information.

12 (B) Annually monitor and review schools ranked in deciles 1  
13 to 3, inclusive, of the 2003 base Academic Performance Index, as  
14 ~~defined in subdivision (b) of Section 17592.70 specified in~~  
15 *paragraph (2) of subdivision (c) of Section 1240*, if those schools  
16 are not currently under review through a state or federal  
17 intervention program. If a review completed pursuant to this  
18 subparagraph finds that a school has no teacher misassignments  
19 or teacher vacancies for two consecutive years, the next review of  
20 that school may be conducted according to the cycle specified in  
21 subparagraph (C), unless the school meets the criteria of  
22 subparagraph (A).

23 (C) All other schools on a four-year cycle.

24 (2) Each county superintendent of schools shall investigate  
25 school and district efforts to ensure that ~~any~~ a credentialed teacher  
26 serving in an assignment requiring a certificate issued pursuant to  
27 Section 44253.3, 44253.4, or 44253.7 or training pursuant to  
28 Section 44253.10 completes the necessary requirements for these  
29 certificates or completes the required training.

30 (3) The Commission on Teacher Credentialing shall be  
31 responsible for the monitoring and review of those counties or  
32 cities and counties in which there is a single school district,  
33 including the Counties of Alpine, Amador, Del Norte, Mariposa,  
34 Plumas, and Sierra, and the City and County of San Francisco. All  
35 information related to the misassignment of certificated personnel  
36 and teacher vacancies shall be submitted to each affected district  
37 within 30 calendar days of the monitoring activity.

38 (c) County superintendents of schools shall submit an annual  
39 report to the Commission on Teacher Credentialing and the  
40 department summarizing the results of all assignment monitoring

1 and reviews. These reports shall include, but need not be limited  
2 to, the following:

3 (1) The numbers of teachers assigned and types of assignments  
4 made by the governing board of a school district under the authority  
5 of Sections 44256, 44258.2, and 44263.

6 (2) Information on actions taken by local committees on  
7 assignment, including the number of assignments authorized,  
8 subject areas into which committee-authorized teachers are  
9 assigned, and evidence of ~~any~~ departures from the implementation  
10 plans presented to the county superintendent by school districts.

11 (3) Information on each school district reviewed regarding  
12 misassignments of certificated personnel, including efforts to  
13 eliminate these misassignments.

14 (4) (A) Information on certificated employee assignment  
15 practices in schools ranked in deciles 1 to 3, inclusive, of the ~~2003~~  
16 base Academic Performance Index, as ~~defined~~ *specified* in  
17 ~~subdivision (b) of Section 17592.70~~ *paragraph (2) of subdivision*  
18 *(c) of Section 1240*, to ensure that, at a minimum, in ~~any~~ a class  
19 in these schools in which 20 percent or more pupils are English  
20 learners the assigned teacher possesses a certificate issued pursuant  
21 to Section 44253.3 or 44253.4 or has completed training pursuant  
22 to Section 44253.10 or is otherwise authorized by statute.

23 (B) This paragraph shall not relieve a school district from  
24 compliance with state and federal law regarding teachers of English  
25 learners or be construed to alter the definition of “misassignment”  
26 in subparagraph (B) of paragraph (5) of subdivision (b) of Section  
27 33126.

28 (5) After consultation with representatives of county  
29 superintendents of schools, other information as may be determined  
30 to be needed by the Commission on Teacher Credentialing.

31 (d) The Commission on Teacher Credentialing shall submit  
32 biennial reports to the Legislature concerning teacher assignments  
33 and misassignments ~~which~~ *that* shall be based, in part, on the  
34 annual reports of the county superintendents of schools.

35 (e) (1) The Commission on Teacher Credentialing shall  
36 establish reasonable sanctions for the misassignment of  
37 credentialholders.

38 Prior to the implementation of regulations establishing sanctions,  
39 the Commission on Teacher Credentialing shall engage in a variety  
40 of activities designed to inform school administrators, teachers,

1 and personnel within the offices of county superintendents of  
2 schools of the regulations and statutes affecting the assignment of  
3 certificated personnel. These activities shall include the preparation  
4 of instructive brochures and the holding of regional workshops.

5 (2) Commencing July 1, 1989, ~~any a~~ certificated person who is  
6 required by an administrative superior to accept an assignment for  
7 which he or she has no legal authorization ~~shall~~, after exhausting  
8 ~~any~~ existing local remedies, *shall* notify the county superintendent  
9 of schools in writing of the illegal assignment. The county  
10 superintendent of schools ~~shall~~, within 15 working days, *shall*  
11 advise the affected certificated person concerning the legality of  
12 his or her assignment. There shall be no adverse action taken  
13 against a certificated person who files a notification of  
14 misassignment with the county superintendent of schools. During  
15 the period of the misassignment, the certificated person who files  
16 a written notification with the county superintendent of schools  
17 shall be exempt from the ~~provisions~~ of Section 45034. If it is  
18 determined that a misassignment has taken place, ~~any a~~  
19 performance evaluation of the employee under Sections 44660 to  
20 44664, inclusive, in ~~any a~~ misassigned subject shall be nullified.

21 (3) The county superintendent of schools shall notify, through  
22 the office of the school district superintendent, ~~any a~~ certificated  
23 school administrator responsible for the assignment of a certificated  
24 person to a position for which he or she has no legal authorization  
25 of the misassignment and shall advise him or her to correct the  
26 assignment within 30 calendar days. The county superintendent  
27 of schools shall notify the Commission on Teacher Credentialing  
28 of the misassignment if the certificated school administrator has  
29 not corrected the misassignment within 30 days of the initial  
30 notification, or if the certificated school administrator has not  
31 described, in writing, within the 30-day period, to the county  
32 superintendent of schools the extraordinary circumstances which  
33 make this correction impossible.

34 (4) The county superintendent of schools shall notify ~~any a~~  
35 superintendent of a school district in which 5 percent or more of  
36 all certificated teachers in the secondary schools are found to be  
37 misassigned of the misassignments and shall advise him or her to  
38 correct the misassignments within 120 calendar days. The county  
39 superintendent of schools shall notify the Commission on Teacher  
40 Credentialing of the misassignments if the school district



1 superintendent has not corrected the misassignments within 120  
2 days of the initial notification, or if the school district  
3 superintendent of schools has not described, in writing, within the  
4 120-day period, to the county superintendent of schools the  
5 extraordinary circumstances—~~which~~ *that* make this correction  
6 impossible.

7 (f) An applicant for a professional administrative service  
8 credential shall be required to demonstrate knowledge of existing  
9 credentialing laws, including knowledge of assignment  
10 authorizations.

11 (g) The Superintendent shall submit a summary of the reports  
12 submitted by county superintendents pursuant to subdivision (c)  
13 to the Legislature. The Legislature may hold, within a reasonable  
14 period after receipt of the summary, public hearings on pupil access  
15 to teachers and to related statutory provisions. The Legislature  
16 ~~may also~~ *may* assign one or more of the standing committees or a  
17 joint committee, to determine the following:

18 (1) The effectiveness of the reviews required pursuant to this  
19 section.

20 (2) The extent, if any, of vacancies and misassignments, as  
21 defined in subparagraphs (A) and (B) of paragraph (5) of  
22 subdivision (b) of Section 33126.

23 (3) The need, if any, to assist schools ranked in deciles 1 to 3,  
24 inclusive, of the ~~2003~~ base Academic Performance Index, as  
25 defined in ~~subdivision (b) of Section 17592.70~~ *paragraph (2) of*  
26 *subdivision (c) of Section 1240*, to eliminate vacancies and  
27 misassignments.

28 *SEC. 7. Section 44269 of the Education Code is amended to*  
29 *read:*

30 44269. The commission may issue a services credential  
31 authorizing service as a library media teacher upon completion of  
32 specialized preparation as required by the commission.

33 The standards for these credentials are a baccalaureate degree  
34 or higher degree from an institution approved by the commission,  
35 a valid teaching credential and specialized and professional  
36 preparation as the commission may require.

37 Whenever the term “librarian” *or “library media teacher”* is  
38 used in this article, it shall be deemed to refer to ~~“library media~~  
39 ~~teacher.”~~ *“teacher librarian.”*

1     *SEC. 8. Section 44270 of the Education Code is amended to*  
2     *read:*

3     44270. (a) The minimum requirements for the preliminary  
4     services credential with a specialization in administrative services  
5     are all of the following:

6     (1) Possession of one of the following:

7     (A) A valid teaching credential requiring the possession of a  
8     baccalaureate degree and a professional preparation program  
9     including student teaching.

10    (B) A valid designated subjects vocational education, adult, or  
11    special subjects teaching credential, as specified in Section 44260,  
12    44260.1, 44260.2, 44260.3, or 44260.4, provided the candidate  
13    also possesses a baccalaureate degree.

14    (C) A valid services credential with a specialization in pupil  
15    personnel, health, or clinical or rehabilitative services, as specified  
16    in Section 44266, 44267, 44267.5, or 44268, or a valid services  
17    credential authorizing service as a ~~library-media teacher~~ *librarian*,  
18    as specified in Section 44269.

19    (D) A valid credential issued under the laws, rules, and  
20    regulations in effect on or before December 31, 1971, which  
21    authorizes the same areas as in subparagraphs (B) and (C).

22    (2) Completion of a minimum of three years of successful,  
23    full-time classroom teaching experience in the public schools,  
24    including, but not limited to, service in state- or county-operated  
25    schools, or in private schools of equivalent status or three years  
26    of experience in the fields of pupil personnel, health, clinical or  
27    rehabilitative, or librarian services.

28    (3) Completion of an entry level program of specialized and  
29    professional preparation in administrative services approved by  
30    the commission or a one-year internship in a program of supervised  
31    training in administrative services, approved by the commission  
32    as satisfying the requirements for the preliminary services  
33    credential with a specialization in administrative services.

34    (4) Current employment in an administrative position after  
35    completion of professional preparation as defined in paragraph  
36    (3), whether full or part time, in a public school or private school  
37    of equivalent status. The commission shall encourage school  
38    districts to consider the recency of preparation or professional  
39    growth in school administration as one of the criteria for  
40    employment.

1 (b) The preliminary administrative services credential shall be  
2 valid for a period of five years from the date of initial employment  
3 in an administrative position, whether full or part time, and shall  
4 not be renewable.

5 (c) A candidate who completed, by September 30, 1984, the  
6 requirements for the administrative services credential in effect  
7 on June 30, 1982, is eligible for the credential authorized under  
8 those requirements. All other candidates shall satisfy the  
9 requirements set forth in this section.

10 *SEC. 9. Section 44300 of the Education Code is amended to*  
11 *read:*

12 44300. (a) Commencing January 1, 1990, the commission may  
13 issue or renew emergency teaching or specialist permits in  
14 accordance with regulations adopted by the commission  
15 corresponding to the credential types specified in paragraphs (1),  
16 (2), and (3) of subdivision (b) of Section 44225, provided that all  
17 of the following conditions are met:

18 (1) The applicant possesses a baccalaureate degree conferred  
19 by a regionally accredited institution of higher education and has  
20 fulfilled the subject matter requirements of Section 44301.

21 (2) The applicant passes the state basic skills proficiency test  
22 as provided for in Section 44252.

23 (3) The commission approves the justification for the emergency  
24 permit submitted by the school district in which the applicant is  
25 to be employed. The justification shall include all of the following:

26 (A) Annual documentation that the district has implemented in  
27 policy and practices a process for conducting a diligent search that  
28 shall include, but is not limited to, distributing job announcements,  
29 contacting college and university placement centers, advertising  
30 in local newspapers, exploring the incentives included in the  
31 Teaching As A Priority Block Grant established pursuant to Section  
32 44735, participating in the state and regional recruitment centers  
33 established pursuant to Sections 44751, *as it read prior to May 5,*  
34 *2003,* and 90530, and participating in job fairs in this state, but  
35 has been unable to recruit a sufficient number of certificated  
36 teachers, including teacher candidates pursuing full certification  
37 through internship, district internship, or other alternative routes  
38 established by the commission.

39 (B) A declaration of need for fully qualified educators based  
40 on the documentation set forth in subparagraph (A) and made in

1 the form of a motion adopted by the governing board of the district  
2 or the county board of education at a regularly scheduled meeting  
3 of the governing board or the county board of education. The  
4 motion may not be part of the consent agenda and shall be entered  
5 in the minutes of the meeting.

6 (b) The commission may deny a request for an emergency permit  
7 that does not meet the justification set forth in subparagraph (A)  
8 of paragraph (3) of subdivision (a).

9 (c) It is the intent of the Legislature that ~~all of the following~~  
10 ~~occur: the commission continues to issue emergency teaching~~  
11 ~~permits to individuals employed by school districts defined in~~  
12 ~~regulations as remoted from regionally accredited institutions of~~  
13 ~~higher education.~~

14 ~~(1) The commission shall issue preintern certificates in place~~  
15 ~~of emergency teaching permits as sufficient resources are made~~  
16 ~~available to school districts to provide services pursuant to Article~~  
17 ~~5.6 (commencing with Section 44305) to preinterns pursuing~~  
18 ~~multiple subject or single subject teaching credentials.~~

19 ~~(2) If the examination of the Pre-Internship Teaching Program~~  
20 ~~required by this chapter demonstrates that the program should~~  
21 ~~continue because it has been successful in better preparing and~~  
22 ~~retaining preintern teachers than the emergency permit system,~~  
23 ~~sufficient resources to fully fund the Pre-Internship Teaching~~  
24 ~~Program shall be appropriated by July 2002. For purposes of this~~  
25 ~~paragraph, two thousand dollars (\$2,000) in state funding per~~  
26 ~~preintern shall be deemed to be sufficient resources.~~

27 ~~(3) The commission shall continue to issue emergency teaching~~  
28 ~~permits to individuals employed by school districts defined in~~  
29 ~~regulations as remote from regionally accredited institutions of~~  
30 ~~higher education.~~

31 ~~(d) Commencing January 1, 1990, the~~ The commission may  
32 issue and reissue emergency permits corresponding to the credential  
33 types specified in paragraph (4) of subdivision (b) of Section  
34 44225. The commission shall establish appropriate standards for  
35 each type of emergency permit specified in paragraph (4) of  
36 subdivision (b) of Section 44225.

37 (e) The exclusive representative of certificated employees, if  
38 any, as provided under Chapter 10.7 (commencing with Section  
39 3540) of Division 4 of Title 1 of the Government Code, may submit  
40 a written statement to the commission agreeing or disagreeing with

1 the justification submitted to the commission pursuant to paragraph  
2 (3) of subdivision (a).

3 (f) ~~Commencing January 1, 1990, a~~ A person holding an  
4 emergency teaching or specialist permit shall attend an orientation  
5 to the curriculum and to techniques of instruction and classroom  
6 management, and shall teach only with the assistance and guidance  
7 of a certificated employee of the district who has completed at  
8 least three years of full-time teaching experience, or the equivalent  
9 thereof. It is the intent of the Legislature to encourage districts to  
10 provide directed teaching experience to new emergency  
11 permitholders with no prior teaching experience.

12 (g) The holder of an emergency permit shall participate in  
13 ongoing training, coursework, or seminars designed to prepare the  
14 individual to become a fully credentialed teacher or other educator  
15 in the subject area or areas in which he or she is assigned to teach  
16 or serve. The employing agency shall verify that employees  
17 applying to renew their emergency permits are meeting these  
18 ongoing training requirements.

19 (h) Emergency permits for pupil personnel services shall not  
20 be valid for the purpose of determining pupil eligibility for  
21 placement in ~~any~~ a special education class or program.

22 (i) This section shall not apply to the issuance of an emergency  
23 substitute teaching permit, or of an emergency permit to a teacher  
24 who has consented to teach temporarily outside of his or her field  
25 of certification, for which the commission shall establish minimum  
26 requirements.

27 *SEC. 10. Section 44302 of the Education Code is amended to*  
28 *read:*

29 44302. The Commission on Teacher Credentialing ~~shall~~  
30 regularly *shall* notify local ~~education~~ *educational* agencies of the  
31 various provisions in current law that allow the assignment of  
32 personnel when a fully qualified teacher is not available and a  
33 substitute has served for the maximum days permitted by law,  
34 including emergency permits under Section 44300, long-term and  
35 short-term waivers under subdivision (m) of Section 44225,  
36 ~~pre-intern certificates under Section 44305, and intern permits~~  
37 under Sections 44235, 44250, and 44464. When fulfilling the  
38 notification requirements of this section, the commission shall  
39 utilize a variety of approaches, including, but not limited to,  
40 correspondence, annual workshops for credential analysts, a

1 credential handbook, a waiver handbook, the commission website,  
2 and special telephone, fax, and e-mail lines for school districts and  
3 county offices of education. Additionally, the commission shall  
4 provide local ~~education~~ *educational* agencies with information  
5 about waiver requests including specific timelines, key steps, and  
6 appeal rights.

7 *SEC. 11. Article 5.6 (commencing with Section 44305) of*  
8 *Chapter 2 of Part 25 of Division 3 of Title 2 of the Education Code*  
9 *is repealed.*

10 *SEC. 12. Section 44386 of the Education Code is amended to*  
11 *read:*

12 44386. (a) From funds appropriated for the purposes of this  
13 article, the Commission on Teacher Credentialing shall award  
14 incentive grants to qualifying school districts or county offices of  
15 education. Each school district or county office of education that  
16 receives a grant shall provide matching funds from ~~any~~ available  
17 source in an amount equal to 50 percent of the cost of the  
18 alternative certification program. Grants shall be awarded by the  
19 commission for the remaining 50 percent of the cost of the  
20 alternative certification program, but in no event shall the grant  
21 amount awarded to ~~any~~ a school district or county office of  
22 education exceed two thousand five hundred dollars (\$2,500) per  
23 intern per year, except that the commission may require a lesser  
24 local contribution, or provide a larger grant per intern per year, in  
25 hardship cases.

26 (b) Participants in a district intern program conducted pursuant  
27 to Article 7.5 (commencing with Section 44325) or in an intern  
28 program conducted pursuant to Article 3 (commencing with Section  
29 44450) of Chapter 3, who have received a preliminary credential  
30 and who are receiving funding for participating in an induction  
31 program pursuant to Article 4.5 (commencing with Section  
32 44279.1) are not eligible for funding under this section.

33 ~~(c) As determined by the Commission on Teacher Credentialing,~~  
34 ~~funds appropriated in the annual Budget Act for the alternative~~  
35 ~~certification program may also be made available for expenditure~~  
36 ~~on the Pre-Internship Teaching Program authorized pursuant to~~  
37 ~~Article 5.6 (commencing with Section 44305).~~

38 *SEC. 13. Section 44506 of the Education Code is amended to*  
39 *read:*

1 44506. (a) The state funding for this article subsequent to the  
2 1999–2000 fiscal year is subject to an appropriation in the annual  
3 Budget Act. ~~It is the intent of the Legislature that the funding for~~  
4 ~~the program for the 2000–01 fiscal year be at least equal to the~~  
5 ~~1999–2000 fiscal year appropriation for Article 4 (commencing~~  
6 ~~with Section 44490) plus the amount apportioned pursuant to~~  
7 ~~Section 44505.~~

8 (b) A school district that receives funds for purposes of this  
9 article ~~may~~ also *may* expend those funds for any of the following  
10 purposes:

11 (1) The Marian Bergeson Beginning Teacher Support and  
12 Assessment System as set forth in Article 4.5 (commencing with  
13 Section 44279.1) of Chapter 2.

14 ~~(2) The California Pre-Internship Teaching Program as set forth~~  
15 ~~in Article 5.6 (commencing with Section 44305) of Chapter 2.~~

16 ~~(3)~~

17 (2) A district intern program as set forth in Article 7.5  
18 (commencing with Section 44325) of Chapter 2.

19 ~~(4)~~

20 (3) Professional development or other educational activities  
21 previously provided pursuant to Article 4 (commencing with  
22 Section 44490) of Chapter 3, *as it read prior to January 1, 2002.*

23 ~~(5)~~

24 (4) ~~Any~~ A program that supports the training and development  
25 of new teachers.

26 (c) (1) ~~The Superintendent of Public Instruction~~ shall determine  
27 a base funding unit rate for the California Peer Assistance and  
28 Review Program for Teachers that is equal to the total amount  
29 provided for the California Mentor Teacher Program in subdivision  
30 (b) of Section 6 of Chapter 4 of the Statutes of 1999 for the First  
31 Extraordinary Session, divided by the total number of mentor  
32 teachers that the state calculated the school district is entitled to  
33 in the 1999–2000 fiscal year.

34 (2) ~~For the 2000–01 fiscal year, and annually thereafter, the~~  
35 ~~The Superintendent of Public Instruction~~ *annually* shall apportion  
36 to each school district that certified implementation of the Peer  
37 Assistance and Review Program for Teachers pursuant to  
38 subdivision (b) of Section 44505, an amount equal to 5 percent of  
39 the prior year count of certificated classroom teachers employed  
40 by the school district, multiplied by a rate ~~which~~ *that* equals the

1 sum of (1) the base amount per funding unit as calculated in  
2 paragraph (1) of subdivision (c), adjusted annually pursuant to  
3 subdivision (b) of 42238.1, and (2) two thousand eight hundred  
4 dollars (\$2,800); adjusted annually pursuant to subdivision (b) of  
5 Section 42238.1.

6 (3) ~~Beginning in the 2001-02, and annually thereafter, the~~ *The*  
7 ~~Superintendent of Public Instruction~~ *annually* shall apportion to  
8 each school district that certified implementation of a Peer  
9 Assistance and Review Program for Teachers pursuant to  
10 subdivision (d) of Section 44505, an amount equal to 5 percent of  
11 the prior year count of certificated classroom teachers employed  
12 by the school district, multiplied by a rate which equals the sum  
13 of (1) the base amount per funding unit as calculated in paragraph  
14 (1) of subdivision (c), adjusted annually pursuant to subdivision  
15 (b) of Section 42238.1, and (2) the per mentor teacher unit amount  
16 provided to ~~he~~ *the* district pursuant to subdivision (c) of Section  
17 44505, adjusted annually pursuant to subdivision (b) of Section  
18 42238.1.

19 (4) In paragraphs (2) and (3) ~~of this subdivision~~, 5 percent of  
20 the certificated classroom teacher employed by the district shall  
21 be rounded to the next whole integer.

22 (5) If at the end of ~~any~~ *a* fiscal year, an amount of funds  
23 available for purposes of the Peer Assistance and Review Program  
24 remain unallocated, the ~~Superintendent of Public Instruction~~ shall  
25 use the unallocated amount to increase the base funding rate  
26 calculated under paragraph (1) for the succeeding fiscal year.

27 *SEC. 14. Section 44868 of the Education Code is amended to*  
28 *read:*

29 44868. No person shall be employed as a ~~library-media~~ teacher  
30 *librarian* in ~~any~~ *an* elementary or secondary school, unless he or  
31 she holds a valid credential of proper grade authorizing service as  
32 a ~~library-media~~ teacher *librarian* or a valid teaching credential  
33 issued by the Commission on Teacher Credentialing if he or she  
34 has completed the specialized area of librarianship.

35 *SEC. 15. Section 44869 of the Education Code is amended to*  
36 *read:*

37 44869. ~~Any library-media~~ *A teacher librarian*, when employed  
38 full time as a ~~library-media~~ teacher *librarian* or serving full time,  
39 partly as a ~~library-media~~ teacher *librarian* and partly as a teacher,  
40 shall rank as a teacher.



1     *SEC. 16. Section 47605.1 of the Education Code is amended*  
2     *to read:*

3     47605.1. (a) (1) Notwithstanding any other provision of law,  
4     a charter school that is granted a charter from the governing board  
5     of a school district or county office of education after July 1, 2002,  
6     and commences providing educational services to pupils on or  
7     after July 1, 2002, shall locate in accordance with the geographic  
8     and site limitations of this part.

9     (2) Notwithstanding any other provision of law, a charter school  
10    that is granted a charter by the State Board of Education after July  
11    1, 2002, and commences providing educational services to pupils  
12    on or after July 1, 2002, based on the denial of a petition by the  
13    governing board of a school district or county board of education,  
14    as described in paragraphs (1) and (2) of subdivision (j) of Section  
15    47605, may locate only within the geographic boundaries of the  
16    chartering entity that initially denied the petition for the charter.

17    (3) A charter school that receives approval of its charter from  
18    a governing board of a school district, a county office of education,  
19    or the State Board of Education prior to July 1, 2002, but does not  
20    commence operations until after January 1, 2003, shall be subject  
21    to the geographic limitations of the part, in accordance with  
22    subdivision (e).

23    (b) Nothing in this section is intended to affect the admission  
24    requirements contained in subdivision (d) of Section 47605.

25    (c) Notwithstanding any other provision, a charter school may  
26    establish a resource center, meeting space, or other satellite facility  
27    located in a county adjacent to that in which the charter school is  
28    authorized if *the county superintendent of schools of the adjacent*  
29    *county is notified of the location of the satellite facility before it*  
30    *commences operations and all of the following conditions are met:*

31    (1) The facility is used exclusively for the educational support  
32    of pupils who are enrolled in nonclassroom-based independent  
33    study of the charter school.

34    (2) The charter school provides its primary educational services  
35    in, and a majority of the pupils it serves are residents of, the county  
36    in which the school is authorized.

37    (d) Notwithstanding subdivision (a) *of this section* or subdivision  
38    (a) of Section 47605, a charter school that is unable to locate within  
39    the geographic boundaries of the chartering school district may  
40    establish one site outside the boundaries of the school district, but

1 within the county within which that school district is located, if  
2 the school district where the charter school proposes to operate is  
3 notified in advance of the charter petition approval, the county  
4 superintendent of schools is notified of the location of the charter  
5 school before it commences operations, and either of the following  
6 circumstances exist:

7 (1) The school has attempted to locate a single site or facility  
8 to house the entire program but such a facility or site is unavailable  
9 in the area in which the school chooses to locate.

10 (2) The site is needed for temporary use during a construction  
11 or expansion project.

12 (e) (1) For a charter school that was granted approval of its  
13 charter prior to July 1, 2002, and provided educational services to  
14 pupils before July 1, 2002, this section *only* shall ~~only~~ apply to  
15 ~~any~~ new educational services or schoolsites established or acquired  
16 by the charter school on or after July 1, 2002.

17 (2) For a charter school that was granted approval of its charter  
18 prior to July 1, 2002, but did not provide educational services to  
19 pupils before July 1, 2002, this section *only* shall ~~only~~ apply upon  
20 the expiration of a charter that is in existence on January 1, 2003.

21 (3) Notwithstanding other implementation timelines in this  
22 section, by June 30, 2005, or upon the expiration of a charter that  
23 is in existence on January 1, 2003, whichever is later, all charter  
24 schools shall be required to comply with this section for schoolsites  
25 at which education services are provided to pupils prior to or after  
26 July 1, 2002, regardless of whether the charter school initially  
27 received approval of its charter school petition prior to July 1,  
28 2002. To achieve compliance with this section, a charter school  
29 shall be required to receive approval of a charter petition in  
30 accordance with this section and Section 47605.

31 (4) Nothing in this section is intended to affect the authority of  
32 a governmental entity to revoke a charter that is granted on or  
33 ~~before the effective date of this section~~ *January 1, 2003*.

34 (f) A charter school that submits its petition directly to a county  
35 board of education, as authorized by Sections 47605.5 or 47605.6,  
36 may establish charter school operations only within the  
37 geographical boundaries of the county in which that county board  
38 of education has jurisdiction.

39 (g) Notwithstanding any other provision of law, the jurisdictional  
40 limitations set forth in this section do not apply to a charter school

1 that provides instruction exclusively in partnership with any of the  
2 following:

3 (1) The federal Workforce Investment Act of 1998 (29 U.S.C.  
4 Sec. 2801 et seq.).

5 (2) Federally affiliated Youth Build programs.

6 (3) Federal job corps training or instruction provided pursuant  
7 to a memorandum of understanding with the federal provider.

8 (4) The California Conservation Corps or local conservation  
9 corps certified by the California Conservation Corps pursuant to  
10 ~~Sections 14507.5 or 14406~~ *Section 14406 or 14507.5* of the Public  
11 Resources Code.

12 (5) Instruction provided to juvenile court school pupils pursuant  
13 to subdivision (c) of Section 42238.18 or pursuant to Section 1981  
14 for individuals who are placed in a residential facility.

15 *SEC. 17. Section 49452.8 of the Education Code is amended*  
16 *to read:*

17 49452.8. (a) A pupil, while enrolled in kindergarten in a public  
18 school, or while enrolled in first grade in a public school if the  
19 pupil was not previously enrolled in kindergarten in a public  
20 school, ~~shall~~, no later than May 31 of the school year, *shall* present  
21 proof of having received an oral health assessment by a licensed  
22 dentist, or other licensed or registered dental health professional  
23 operating within his or her scope of practice, that was performed  
24 no earlier than 12 months prior to the date of the initial enrollment  
25 of the pupil.

26 (b) The parent or legal guardian of a pupil may be excused from  
27 complying with subdivision (a) by indicating on the form described  
28 in subdivision (d) that the oral health assessment could not be  
29 completed because of one or more of the reasons provided in  
30 subparagraphs (A) to (C), inclusive, of paragraph (2) of subdivision  
31 (d).

32 (c) A public school shall notify the parent or legal guardian of  
33 a pupil described in subdivision (a) concerning the assessment  
34 requirement. The notification ~~shall~~, at a minimum, *shall* consist  
35 of a letter that includes all of the following:

36 (1) An explanation of the administrative requirements of this  
37 section.

38 (2) Information on the importance of primary teeth.

39 (3) Information on the importance of oral health to overall health  
40 and to learning.

1 (4) A toll-free telephone number to request an application for  
2 Healthy Families, Medi-Cal, or other government-subsidized health  
3 insurance programs.

4 (5) Contact information for county public health departments.

5 (6) A statement of privacy applicable under state and federal  
6 laws and regulations.

7 (d) In order to ensure uniform data collection, the department,  
8 in consultation with interested persons, shall develop and make  
9 available on the Internet Web site of the department, a standardized  
10 notification form as specified in subdivision (c) that shall be used  
11 by each school district. The standardized form shall include all of  
12 the following:

13 (1) A section that can be used by the licensed dentist or other  
14 licensed or registered dental health professional performing the  
15 assessment to record information that is consistent with the  
16 information collected on the oral health assessment form developed  
17 by the Association of State and Territorial Dental Directors.

18 (2) A section in which the parent or legal guardian of a pupil  
19 can indicate the reason why an assessment could not be completed  
20 by marking the box next to the appropriate reason. The reasons  
21 for not completing an assessment shall include all of the following:

22 (A) Completion of an assessment poses an undue financial  
23 burden on the parent or legal guardian.

24 (B) Lack of access by the parent or legal guardian to a licensed  
25 dentist or other licensed or registered dental health professional.

26 (C) The parent or legal guardian does not consent to an  
27 assessment.

28 (e) Upon receiving completed assessments, all school districts  
29 ~~shall~~, by December 31 of each year, *shall* submit a report to the  
30 county office of education of the county in which the school district  
31 is located. The report shall include all of the following:

32 (1) The total number of pupils in the district, by school, who  
33 are subject to the requirement to present proof of having received  
34 an oral health assessment pursuant to subdivision (a).

35 (2) The total number of pupils described in paragraph (1) who  
36 present proof of an assessment.

37 (3) The total number of pupils described in paragraph (1) who  
38 could not complete an assessment due to financial burden.

39 (4) The total number of pupils described in paragraph (1) who  
40 could not complete an assessment due to lack of access to a

1 licensed dentist or other licensed or registered dental health  
2 professional.

3 (5) The total number of pupils described in paragraph (1) who  
4 could not complete an assessment because their parents or legal  
5 guardians did not consent to their child receiving the assessment.

6 (6) The total number of pupils described in paragraph (1) who  
7 are assessed and found to have untreated decay.

8 (7) The total number of pupils described in paragraph (1) who  
9 did not return either the assessment form or the waiver request to  
10 the school.

11 (f) Each county office of education shall maintain the data  
12 described in subdivision (e) in a manner that allows the county  
13 office to release it upon request.

14 (g) This section does not prohibit any of the following:

15 (1) County offices of education from sharing aggregate data  
16 collected pursuant to this section with other governmental agencies,  
17 philanthropic organizations, or other nonprofit organizations for  
18 the purpose of data analysis.

19 (2) Use of assessment data that is compliant with the federal  
20 Health Insurance Portability and Accountability Act of 1996 (P.L.  
21 104-191) for purposes of conducting research and analysis on the  
22 oral health status of public school pupils in California.

23 (h) This section does not preclude a school district or county  
24 office of education from developing a schoolsite-based oral health  
25 assessment program to meet the requirements of this section.

26 (i) The Office of Oral Health of the Chronic Disease Control  
27 Branch of the State Department of ~~Public Health Services~~ shall  
28 conduct an evaluation of the requirements imposed by this section  
29 and prepare and submit a report to the Legislature by January 1,  
30 2010, that discusses ~~any~~ improvements in the oral health of children  
31 resulting from the imposition of those requirements. The Office  
32 of Oral Health may receive private funds and contract with the  
33 University of California to fulfill the duties described in this  
34 subdivision.

35 (j) *Funds appropriated in the annual Budget Act for the activities*  
36 *required by this section shall first be used to offset reimbursement*  
37 *provided to local educational agencies pursuant to Part 7*  
38 *(commencing with Section 17500) of Division 4 of Title 2 of the*  
39 *Government Code for state-mandated costs imposed by this section.*

1     *SEC. 18. Section 52055.625 of the Education Code is amended*  
2     *to read:*

3     52055.625. (a) It is the intent of the Legislature that the lists  
4     contained in paragraph (2) of subdivisions (c), (d), (e), and (f) be  
5     considered options that may be considered by a school in the  
6     development of its school action plan and that a school not be  
7     required to adopt all of the listed options as a condition of funding  
8     under the terms of this section. Instead, this listing of options is  
9     intended to provide the opportunity for focus and strategic planning  
10    as schools plan to address the needs of high-priority pupils.

11    (b) (1) As a condition of the receipt of funds, a school action  
12    plan shall include each of the following essential components:

13    (A) Pupil literacy and achievement.

14    (B) Quality of staff.

15    (C) Parental involvement.

16    (D) Facilities, curriculum, instructional materials, and support  
17    services.

18    (2) As a condition of the receipt of funds, a school action plan  
19    for a school initially applying to participate in the program during  
20    or after the 2004–05 fiscal year, shall include each of the following  
21    essential components:

22    (A) Pupil literacy and achievement.

23    (B) Quality of staff, including highly qualified teachers, as  
24    required by the federal No Child Left Behind Act of 2001 (20  
25    U.S.C. Sec. 6301 et seq.), and appropriately credentialed teachers  
26    for English learners.

27    (C) Parental involvement.

28    (D) Facilities maintained in good repair as specified in Sections  
29    17014, 17032.5, 17070.75, and 17089, curriculum, instructional  
30    materials that—~~are~~, at a minimum, *are* consistent with the  
31    requirements of Section 60119, and support services.

32    (c) (1) The pupil literacy and achievement component shall  
33    contain a strategy to focus on increasing pupil literacy and  
34    achievement, with necessary attention to the needs of English  
35    language learners. At a minimum, this strategy shall include a plan  
36    to achieve the following goals:

37    (A) Each pupil at the school will be provided appropriate  
38    instructional materials aligned with the academic content and  
39    performance standards adopted by the ~~state board~~ *State Board* as  
40    required by law.

(B) Each significant subgroup at the school will demonstrate increased achievement based on Academic Performance Index (API) results by the end of the implementation period.

(C) English language learners at the school will demonstrate increased performance based on the English language development test required by Section 60810 and the achievement tests required pursuant to Section 60640.

(2) To achieve the goals *described* in paragraph (1), a school, in its action plan, may include, among other things, any of the following options:

(A) Selective class size reduction in key curricular areas, provided this does not result in a decrease in the proportion of experienced credentialed teachers at the schoolsite.

(B) Increased learning time in key curricular areas identified as needing attention, including mathematics.

(C) Targeted intensive reading instruction utilizing reading capacity-level materials that may include, but are not limited to, the following strategies:

(i) The development of a reading competency program for pupils in grades 5 to 8, inclusive, whose reading scores are at or below the 40th percentile or in the two lowest performance levels, as adopted by the ~~state board~~ *State Board*, on the reading portion of the achievement test authorized by Section 60640. This program may include direct instruction in reading at grade level utilizing the English language arts content standards adopted pursuant to Section 60605. Additionally, this program may offer specialized intervention that utilizes state-approved instructional materials adopted pursuant to Section 60200. It is the intent of the Legislature, as a recommendation, that this curriculum consist of at least one class period during the regular schoolday taught by a teacher trained in the English language arts content and performance standards pursuant to Section 60605. It is also the intent of the Legislature, as a recommendation, that periodic assessments throughout the year be conducted to monitor the progress of the pupils involved.

(ii) The use of a ~~library-media~~ teacher *librarian* to work cooperatively with every teacher and principal at the schoolsite to develop and implement an independent and free reading program, help teachers determine a pupil's reading level, order books that have been determined to meet the needs of pupils, help choose

1 books at ~~pupils'~~ independent reading levels *of pupils*, and assure  
2 that pupils read a variety of genres across all academic content  
3 areas. For purposes of this article, ~~“library-media teacher”~~ “*teacher*  
4 *librarian*” means a classroom teacher who possesses or is in the  
5 process of obtaining a ~~library-media teacher~~ *librarian* services  
6 credential consistent with Section 44868.

7 (D) Mentoring programs for pupils.

8 (E) Community, business, or university partnerships with the  
9 school.

10 (d) (1) The quality of staff component shall contain a strategy  
11 to attract, retain, and fairly distribute the highest quality staff at  
12 the school, including teachers, administrators, and support staff.  
13 At a minimum, this strategy shall include a plan to achieve the  
14 following goals:

15 (A) An increase in the number of credentialed teachers working  
16 at that schoolsite.

17 (B) An increase in or targeting of professional development  
18 opportunities for teachers related to the goals of the action plan  
19 and English language development standards adopted by the ~~state~~  
20 ~~board~~ *State Board* aligned with the academic content and  
21 performance standards, including, but not limited to, participation  
22 in professional development institutes established pursuant to  
23 Article 2 (commencing with Section 99220) of Chapter 5 of Part  
24 65.

25 (C) By the end of the implementation period, successful  
26 completion by the schoolsite administrators of a program designed  
27 to maximize leadership skills.

28 (2) To achieve the goals *described* in paragraph (1), a school  
29 may include in its action plan, among others, any of the following  
30 options:

31 (A) Incentives to attract credentialed teachers and quality  
32 administrators to the schoolsite, including, but not limited to,  
33 additional compensation strategies similar to those authorized  
34 pursuant to Section 44735.

35 (B) A school district preintern or intern program within which  
36 eligible emergency permit teachers located at the schoolsite would  
37 be required to participate, unless those individuals are already  
38 participating in another teacher preparation program that leads to  
39 the attainment of a valid California teaching credential.



1 (C) Common planning time for teachers, administrators, and  
2 support staff focused on improving pupil achievement.

3 (D) Mentoring for site administrators, peer assistance for  
4 credentialed teachers, and support services for new teachers,  
5 including, but not limited to, the Beginning Teacher Support and  
6 Assessment System.

7 (E) Providing assistance and incentives to teachers for  
8 completion of professional certification programs and toward  
9 attaining BCLAD or CLAD certification.

10 (F) Increasing professional development in state academic  
11 content and performance standards, including English language  
12 development standards.

13 (e) (1) The parental involvement component shall contain a  
14 strategy to change the culture of the school community to recognize  
15 parents and guardians as partners in the education of their children  
16 and to prepare and educate parents and guardians in the learning  
17 and academic progress of their children. At a minimum, this  
18 strategy shall include a commitment to develop a school-parent  
19 compact as required by Section 51101 and a plan to achieve the  
20 goal of maintaining or increasing the number and frequency of  
21 personal parent and guardian contacts each year at the schoolsite  
22 and school-home communications designed to promote parent and  
23 guardian support for meeting state standards and core curriculum  
24 requirements.

25 (2) To achieve the goals in subdivision (a), a school ~~may~~, in its  
26 action plan, *may* include, among others, any of the following  
27 options:

28 (A) Parent and guardian homework support classes.

29 (B) A program of regular home visits.

30 (C) After school and evening opportunities for parents,  
31 guardians, and pupils to learn together.

32 (D) Training programs to educate parents and guardians about  
33 state standards and testing requirements, including the high school  
34 exit examination.

35 (E) Creation, maintenance, and support of parent centers located  
36 on schoolsites to educate parents and guardians regarding pupil  
37 expectations and provide support to parents and guardians in their  
38 efforts to help their children learn.

39 (F) Programs targeted at parents and guardians of special  
40 education pupils.

1 (G) Efforts to develop a culture at the schoolsite focused on  
2 college attendance, including programs to educate parents and  
3 guardians regarding college entrance requirements and options.

4 (H) Providing more bilingual personnel at the schoolsite and at  
5 school-related functions to communicate more effectively with  
6 parents and guardians who speak a language other than English.

7 (I) Providing an opportunity for parents to monitor online, if  
8 the technology is available, and in compliance with applicable  
9 state and federal privacy laws, the academic progress and  
10 attendance of their children.

11 (f) (1) The facilities, curriculum, instructional materials, and  
12 support services component shall contain a strategy to provide an  
13 environment that is conducive to teaching and learning and that  
14 includes the development of a high-quality curriculum and  
15 instruction aligned with the academic content and performance  
16 standards adopted pursuant to Section 60605 and the standards for  
17 English language development adopted pursuant to Section 60811  
18 to measure progress made towards achieving English language  
19 proficiency. At a minimum, this strategy shall include the goal of  
20 providing adequate logistical support including, but not limited  
21 to, curriculum, quality instruction, instructional materials, support  
22 services, and supplies for every pupil.

23 (2) To achieve the goal specified in paragraph (1), a school, in  
24 its action plan, may include, among others, any of the following  
25 options:

26 (A) State and locally developed valid and reliable assessments  
27 based on state academic content standards.

28 (B) Increased learning time in key curricular areas identified as  
29 needing attention, including mathematics.

30 (C) The addition of more pupil support services staff, including,  
31 but not limited to, paraprofessionals, counselors, ~~library-media~~  
32 ~~teachers~~ *teacher librarians*, nurses, psychologists, social workers,  
33 speech therapists, audiologists, and speech pathologists.

34 (D) Pupil support centers for additional tutoring or homework  
35 assistance.

36 (E) Use of most current standards-aligned textbooks adopted  
37 by the ~~state board~~ *State Board*, including materials for English  
38 language learners.

(F) For secondary schools, offering advanced placement courses and courses that meet the requirements for admission to the University of California or the California State University.

(g) A school action plan to improve pupil performance that is developed for participation in the program established pursuant to this article shall meet the requirements of subdivisions (d) and (e) of Section 52054 and this article.

(h) Participants under subdivision (d) of Section 52055.600 shall develop a series of schoolwide systemic support activities that provide pupils with the opportunity to meet the same state and local standards in core academic areas expected of all other pupils. Participating schools shall provide enrichment activities designed to improve pupil academic achievement and performance; improve life skill accomplishments; transition to a regular program of instruction or higher education, or both; access vocational training; or obtain employment. Individual pilot grant plans and systemic support activities shall comport with ~~each respective program's~~ *the statutory and regulatory requirements of each respective program.*

**SECTION 1.**

*SEC. 19.* Section 52379 of the Education Code is amended to read:

52379. (a) Funds appropriated in the annual Budget Act for the purposes of this chapter shall be allocated to school districts based on an equal amount per pupil enrolled in the district in the prior fiscal year, based on the fall California Basic Educational Data System (CBEDS) enrollment data, in grades 7 to 12, inclusive, with the following minimum-grant exceptions:

(1) Five thousand dollars (\$5,000) for each schoolsite that has 100 or fewer pupils enrolled in any of grades 7 to 12, inclusive.

(2) Ten thousand dollars (\$10,000) for each schoolsite that has at least 101, but not more than 200, pupils enrolled in any of grades 7 to 12, inclusive.

(3) Thirty thousand dollars (\$30,000) or an amount per pupil enrolled, whichever is greater, for each schoolsite with more than 200 pupils enrolled in any of grades 7 to 12, inclusive.

(b) Funds allocated pursuant to this section shall supplement, and not supplant, expenditures made by a school district for school counseling programs.

(c) For purposes of this section, a charter school is not eligible to receive a minimum grant but instead shall receive an amount per pupil enrolled in grades 7 to 12, inclusive.

(d) Funds appropriated in the annual Budget Act for the purposes of this chapter shall be used to provide supplemental counseling services delivered by personnel who hold a valid pupil personnel services credential.

*SEC. 20. Section 56351.5 of the Education Code is amended to read:*

56351.5. (a) (1) A school district, special education local plan area, or county office of education may reinforce braille instruction using a braille instructional aide who meets the criteria set forth in paragraph (2) under the supervision of a teacher who holds an appropriate credential, as determined by the Commission on Teacher Credentialing, to teach pupils who are functionally blind or visually impaired. This instruction shall be in accordance with the pupil's individualized education program *of the pupil*.

(2) For purposes of this section, a braille instructional aide shall demonstrate to the supervising teacher that he or she is fluent in reading and writing grade 2 braille and possesses basic knowledge of the rules of braille construction.

(b) ~~Any~~ A school district, special education local plan area, or county office of education that employs a braille instructional aide shall provide the aide with information regarding teaching credential programs, including ~~the Pre-Internship Teaching Program (Article 5.6 (commencing with Section 44305) of Chapter 2 of Part 25), the Wildman-Keeley-Solis Exemplary Teacher Training Act of 1997 (Article 12 (commencing with Section 44390) of Chapter 2 of Part 25); and the Teacher Education Internship Act of 1967 (Article 3 (commencing with Section 44450) of Chapter 3 of Part 25).~~

*SEC. 21. Section 60242 of the Education Code is amended to read:*

60242. (a) ~~The state board~~ *State Board* shall encumber the fund for the purpose of establishing an allowance for each school district, which may reflect increases or decreases in enrollment, that the district may use for the following purposes:

(1) To purchase instructional materials adopted by the ~~state board~~ *State Board* pursuant to Section 60200 for kindergarten and grades 1 to 8, inclusive, or by the governing board pursuant to

Section 60400 for grades 9 to 12, inclusive. A school district may purchase with funds received pursuant to Chapter 3.25 (commencing with Section 60420) instructional materials for the visual and performing arts, foreign language, health, or any other curricular area if those materials are adopted by the ~~state board~~ *State Board* pursuant to Section 60200 for kindergarten and grades 1 to 8, inclusive, or by the governing board pursuant to Section 60400 for grades 9 to 12, inclusive, and if the school district certifies that it has provided each pupil with a standards-aligned textbook or basic instructional materials in reading/language arts, mathematics, history/social science, and science.

(2) To purchase, at the ~~district's~~ *discretion of the district*, instructional materials, including, but not limited to, supplementary instructional materials and technology-based materials, from any source.

(3) To purchase tests.

(4) To bind basic textbooks that are otherwise usable and are on the most recent list of basic instructional materials adopted by the ~~state board~~ *State Board* and made available pursuant to Section 60200.

(5) To fund in-service training related to instructional materials.

(6) To purchase classroom library materials for kindergarten and grades 1 to 4, inclusive.

(b) The ~~state board~~ *State Board* shall specify the percentage of a ~~district's~~ *the allowance of a district* that is authorized to be used for each of the purposes identified in subdivision (a).

(c) Allowances established for school districts pursuant to this section shall be apportioned in September of each fiscal year.

(d) (1) A school district that purchases classroom library materials, ~~shall~~, as a condition of receiving funding pursuant to this article, *shall* develop a districtwide classroom library plan for kindergarten and grades 1 to 4, inclusive, and shall receive certification of the plan from the governing board of the school district. A school district shall include in the plan a means of preventing loss, damage, or destruction of the materials.

(2) In developing the plan required by paragraph (1), a school district is encouraged to consult with school ~~library-media teachers~~ *teacher librarians* and primary grade teachers and to consider selections included in the list of recommended books established pursuant to Section 19336. If a school ~~library-media~~ teacher

1 *librarian* is not employed by the school district, the district is  
2 encouraged to consult with a school library-media teacher *librarian*  
3 employed by the local county office of education in developing  
4 the plan.

5 (3) To the extent that a school district or county office of  
6 education already has a plan meeting the criteria specified in  
7 paragraphs (1) and (2), no new plan is required to establish  
8 eligibility.

9 ~~SEC. 2.~~

10 *SEC. 22.* Section 60640 of the Education Code, as amended  
11 by Section 5 of Chapter 676 of the Statutes of 2005, is amended  
12 to read:

13 60640. (a) There is hereby established the Standardized Testing  
14 and Reporting Program, to be known as the STAR Program.

15 (b) Commencing in the 2007-08 fiscal year and each fiscal year  
16 thereafter, and from the funds available for that purpose, each  
17 school district, charter school, and county office of education shall  
18 administer to each of its pupils in grades 3 and 7 the achievement  
19 test designated by the state board pursuant to Section 60642 and  
20 shall administer to each of its pupils in grades 3 to 11, inclusive,  
21 the standards-based achievement test provided for in Section  
22 60642.5. The state board shall establish a testing period to provide  
23 that all schools administer these tests to pupils at approximately  
24 the same time during the instructional year, except as necessary  
25 to ensure test security and to meet the final filing date.

26 (c) The publisher and the school district shall provide two  
27 makeup days for the testing of previously absent pupils within the  
28 testing period established by the state board in subdivision (b).

29 (d) The governing board of the school district may administer  
30 achievement tests in grades other than those required by  
31 subdivision (b) as it deems appropriate.

32 (e) Pursuant to ~~paragraph (17) of subsection (a) of Section 1412~~  
33 *Section 1412 (a)(17)* of Title 20 of the United States Code,  
34 individuals with exceptional needs, as defined in Section 56026,  
35 shall be included in the testing requirement of subdivision (b) with  
36 appropriate accommodations in administration, where necessary,  
37 and those individuals with exceptional needs who are unable to  
38 participate in the testing, even with accommodations, shall be  
39 given an alternate assessment.

(f) (1) At the option of the school district, a pupil with limited English proficiency who is enrolled in any of grades 3 to 11, inclusive, may take a second achievement test in his or her primary language. Primary language tests administered pursuant to this subdivision and subdivision (g) shall be subject to the requirements of subdivision (a) of Section 60641. These primary language tests shall produce individual pupil scores that are valid and reliable.

(2) Notwithstanding any other law, the state board shall designate for use, as part of this program, a single primary language test in each language for which a test is available for grades 3 to 11, inclusive, pursuant to the process used for designation of the assessment chosen in the 1997-98 fiscal year, as specified by Sections 60642 and 60643, and as specified by Section 60642.5, as applicable.

(3) (A) The department shall use funds made available pursuant to Title VI of the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.) and appropriated by the annual Budget Act for the purpose of developing and adopting primary language assessments that are aligned to the state academic content standards. Subject to the availability of funds, primary language assessments shall be developed and adopted for reading/language arts and mathematics in the dominant primary language of limited-English-proficient pupils. The dominant primary language shall be determined by the count in the annual language census of the primary language of each limited-English-proficient pupil enrolled in the California public schools.

(B) Once a dominant primary language assessment is available for use for a specific grade level, it shall be administered in place of the assessment designated pursuant to paragraph (1) for that grade level.

(C) In selecting a contractor to develop a primary language assessment, the state board shall consider the criteria for choosing a contractor or test publisher as specified by Sections 60642 and 60643, and as specified by Section 60642.5, as applicable.

(D) Subject to the availability of funds, the assessments shall be developed in grade order starting with the lowest grade subject to the STAR Program.

(E) If the state board contracts for the development of primary language assessments or test items to augment an existing assessment, the state shall retain ownership rights to the assessment

1 and the test items. With the approval of the state board, the  
2 department may license the test for use in other states subject to a  
3 compensation agreement approved by the Department of Finance.

4 (g) A pupil identified as limited English proficient pursuant to  
5 the administration of a test made available pursuant to Section  
6 60810 who is enrolled in any of grades 3 to 11, inclusive, and who  
7 either receives instruction in his or her primary language or has  
8 been enrolled in a school in the United States for less than 12  
9 months shall be required to take a test in his or her primary  
10 language if a test is available.

11 (h) (1) The Superintendent shall apportion funds to school  
12 districts to enable school districts to meet the requirements of  
13 subdivision (b), the alternative assessment required by subdivision  
14 (e), and subdivisions (f) and (g).

15 (2) The state board annually shall establish the amount of  
16 funding to be apportioned to school districts for each test  
17 administered and annually shall establish the amount that each  
18 publisher shall be paid for each test administered under the  
19 agreements required pursuant to Section 60643. The amounts to  
20 be paid to the publishers shall be determined by considering the  
21 cost estimates submitted by each publisher each September and  
22 the amount included in the annual Budget Act, and by making  
23 allowance for the estimated costs to school districts for compliance  
24 with the requirements of subdivision (b), the alternative assessment  
25 required by subdivision (e), and subdivisions (f) and (g).

26 (3) An adjustment to the amount of funding to be apportioned  
27 per test may not be valid without the approval of the Director of  
28 Finance. A request for approval of an adjustment to the amount  
29 of funding to be apportioned per test shall be submitted in writing  
30 to the Director of Finance and the chairpersons of the fiscal  
31 committees of both houses of the Legislature with accompanying  
32 material justifying the proposed adjustment. The Director of  
33 Finance is authorized to approve only those adjustments related  
34 to activities required by statute. The Director of Finance shall  
35 approve or disapprove the amount within 30 days of receipt of the  
36 request and shall notify the chairpersons of the fiscal committees  
37 of both houses of the Legislature of the decision.

38 (i) For the purposes of making the computations required by  
39 Section 8 of Article XVI of the California Constitution, the  
40 appropriation for the apportionments made pursuant to paragraph



(1) of subdivision (h), and the payments made to the publishers under the contracts required pursuant to Section 60643 or subparagraph (C) of paragraph (1) of subdivision (a) of Section 60605 between the department and the contractor, are “General Fund revenues appropriated for school districts,” as defined in subdivision (c) of Section 41202, for the applicable fiscal year, and included within the “total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B,” as defined in subdivision (e) of Section 41202, for that fiscal year.

(j) As a condition to receiving an apportionment pursuant to subdivision (h), a school district shall report to the Superintendent all of the following:

(1) The number of pupils enrolled in the school district in grades 3 to 11, inclusive.

(2) The number of pupils to whom an achievement test was administered in grades 3 to 11, inclusive, in the school district.

(3) The number of pupils in paragraph (1) who were exempted from the test at the request of their parents or guardians.

(k) The Superintendent and the ~~state board~~ *State Board* are authorized and encouraged to assist postsecondary educational institutions to use the assessment results of the California Standards Tests, including, but not limited to, the augmented California Standards Tests, for academic credit, placement, or admissions processes.

(l) The Superintendent shall, with the approval of the ~~state board~~ *State Board*, annually release to the public test items from the standards-based achievement tests pursuant to Section 60642.5 administered in previous years. The minimum number of test items released per year shall be equal to 25 percent of the total number of test items on the test administered in the previous year.

(m) This section shall become operative July 1, 2007.

*SEC. 23. Section 99237 of the Education Code is amended to read:*

99237. (a) As a condition of receipt of funds for purposes of Section 99234 or 99235, a local ~~education~~ *educational* agency shall submit a certified assurance signed by the appropriate agency official and approved in a public session by the governing body of the agency to the ~~state board~~ *State Board* that contains its proposal to satisfy the following:

(1) It contracted with a provider whose training curriculum was based upon one of the training models outlined in guidelines and criteria for approval of training providers established by the State Board of Education, and was approved by the ~~state board~~ *State Board*, or the ~~local education agency's~~ training curriculum of the *local educational agency* was based upon one of the training models outlined in guidelines and criteria for approval of training providers established by the State Board of Education and approved by the ~~state board~~ *State Board*. Approval by the ~~state board~~ *State Board* of the training curriculum shall be based on the criteria contained in paragraph (4) and in subdivision (b).

(2) It or the provider with whom it contracted provided professional development training focused primarily on the following:

(A) The mathematics or English language arts content standards adopted by the ~~state board~~ *State Board* pursuant to Section 60605.

(B) The curriculum frameworks adopted by the ~~state board~~ *State Board* for mathematics and English language arts.

(C) The use of instructional materials that will be used by pupils and are aligned to the mathematics or English language arts content standards adopted by the ~~state board~~ *State Board* pursuant to Section 60605.

(D) The training shall include instructional strategies designed to help all pupils gain mastery of the California academic content standards with special emphasis on English language learners and pupils with exceptional needs.

(3) (A) It provides each pupil with instructional materials that are aligned to the state content standards in mathematics and English language arts no later than the first day of the first school term that commences 12 months or less after those materials are adopted by the ~~state board~~ *State Board* in the case of instructional materials for kindergarten and grades 1 to 8, inclusive, or by the governing board of the school district in the case of instructional materials for grades 9 to 12, inclusive.

(B) For ~~local education~~ *educational* agencies that are piloting or evaluating instructional materials that are aligned to the state content standards in mathematics and English language arts, those materials shall be provided to each pupil no later than the first day of the first school term that commences 24 months or less after those materials were adopted by the ~~state board~~ *State Board* in the

1 case of instructional materials for grades 1 to 8, inclusive, or by  
2 the governing board of the school district in the case of  
3 instructional materials for grades 9 to 12, inclusive.

4 (C) If a local-~~education~~ *educational* agency has not adopted  
5 instructional materials as required by subparagraph (A) for one or  
6 more grade levels because it is piloting or evaluating those  
7 instructional materials, the local-~~education~~ *educational* agency  
8 may only claim funding pursuant to Section 99234 for grade levels  
9 and subjects where the local-~~education~~ *educational* agency is in  
10 compliance with subparagraphs (A) and (B).

11 (D) For each teacher, in each core area for which funding is  
12 claimed pursuant to this article and for which there are not  
13 standards-aligned textbooks for each pupil, as determined through  
14 an audit, the Superintendent of ~~Public Instruction~~, on a one-time  
15 basis, shall ~~withhold from adjust~~ the next ~~monthly~~ principal  
16 apportionment ~~payment~~ to *withhold from* the local-~~education~~  
17 *educational* agency an amount equal to one hundred dollars (\$100)  
18 for each of those pupils. The funds withheld are deemed to be an  
19 offset against the training funds provided pursuant to this article.

20 (4) It provides in-house professional development that focuses  
21 primarily on the following:

22 (A) The mathematics or English language arts content standards  
23 adopted by the ~~state board~~ *State Board* pursuant to Section 60605.

24 (B) The curriculum frameworks adopted by the ~~state board~~ *State*  
25 *Board* for mathematics and English language arts.

26 (C) The use of instructional materials that will be used by pupils  
27 and are aligned to the mathematics or English language arts content  
28 standards adopted by the ~~state board~~ *State Board* pursuant to  
29 Section 60605.

30 (D) The training shall include instructional strategies designed  
31 to help all pupils gain mastery of the California academic content  
32 standards, with special emphasis on English language learners and  
33 pupils with exceptional needs.

34 (5) It provides the data elements required pursuant to Section  
35 99240.

36 (b) As an additional condition of receipt of funds for purposes  
37 of Section 99234, a local-~~education~~ *educational* agency shall certify  
38 that:

39 (1) Forty hours of professional development based on the  
40 statewide academic content standards adopted pursuant to Section

1 60605, the Mathematics and Reading/English Language Arts  
2 frameworks adopted by the State Board of Education, and  
3 instructional materials adopted by the ~~state board~~ *State Board* or  
4 standards-aligned instructional materials and 80 hours of followup  
5 instruction, coaching, or additional schoolsite assistance, in  
6 mathematics or reading, based upon the individual school needs,  
7 as appropriate, was provided to teachers who meet the criteria  
8 specified in paragraphs (1) and (2) of subdivision (a) of Section  
9 99233.

10 (2) Forty hours of reading or English language arts professional  
11 development that includes strategies to help all pupils gain mastery  
12 of the California content standards and based on the statewide  
13 academic content standards adopted pursuant to Section 60605,  
14 the Reading/English Language Arts framework adopted by the  
15 ~~State Board of Education~~, and instructional materials adopted by  
16 the ~~state board~~ *State Board* or standards-aligned instructional  
17 materials, and 80 hours of followup instruction, coaching, or  
18 additional schoolsite assistance, based upon the individual teacher  
19 or school needs, was provided to teachers who meet the criteria  
20 specified in paragraphs (3) and (4) of subdivision (a) of Section  
21 99233.

22 (3) Forty hours of professional development in mathematics  
23 based on the statewide academic content standards adopted  
24 pursuant to Section 60605, the Mathematics framework adopted  
25 by the ~~State Board of Education~~, instructional strategies designed  
26 to help all pupils gain mastery of the California academic content  
27 standards, and instructional materials adopted by the ~~state board~~  
28 *State Board* or standards-aligned instructional materials, and 80  
29 hours of followup instruction, coaching, or additional schoolsite  
30 assistance, based upon the individual teacher or school needs, was  
31 provided to teachers who meet the criteria specified in paragraphs  
32 (5) and (6) of subdivision (a) of Section 99233.

33 (c) If, as the result of a program audit, it is found that the  
34 participating local ~~education~~ *educational* agency served fewer  
35 participants than it was funded to serve, the Superintendent of  
36 ~~Public Instruction~~ shall ~~withhold from~~ *adjust* the next ~~monthly~~  
37 principal apportionment ~~payment~~ to *withhold from* the local  
38 ~~education~~ *educational* agency an amount proportional to the  
39 amount of funding associated with the number of teachers that  
40 were not served.

1 (d) If, as the result of a program audit, it is found that the training  
2 provided by the local ~~education~~ *educational* agency or the provider  
3 with whom it contracted did not meet the requirements of paragraph  
4 (4) of subdivision (a), the Superintendent shall withhold from the  
5 next monthly principal apportionment payment to the local  
6 ~~education~~ *educational* agency an amount equal to the amount of  
7 funding associated with the training that was not aligned to state  
8 standards and curriculum frameworks.

9 (e) It is the intent of the Legislature that audits referenced in  
10 subdivisions (c) and (d) be conducted as part of a compliance audit  
11 performed in accordance with Sections 14503, 14508, and 41020.